

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ANDREW B. INDAHL,

Plaintiff,

v.

CIVIL ACTION NO: 1:18-cv-00540 KBM-KRS

**MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A. a NEW MEXICO PROFESSIONAL ASSOCIATION,**

Defendant.

DECLARATION OF CHRISTOPHER M. MOODY

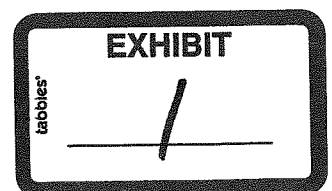
I, Christopher M. Moody, upon my oath and under penalty of perjury, state the following:

1. I am over the age of 18 and competent to make this declaration. The contents are true and accurate to the best of my knowledge and belief and are based on my own personal knowledge.

2. I am an attorney and a partner at Moody & Stanford, P.C., counsel for Plaintiff Andrew B. Indahl in this case.

3. On June 15, 2018 I spoke with opposing counsel Sara Sanchez on the phone. I told her that our research indicated that there was no federal jurisdiction in this case and that removal of the case was improvident. I offered to stipulate that Plaintiff asserts no federal claims in this case. Ms. Sanchez stated that her research indicated the case was properly removed and she declined to agree to remand the case to state court.

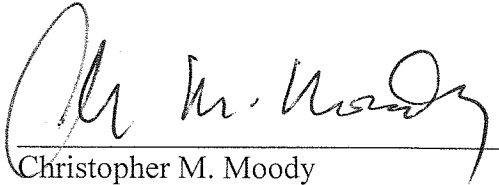
4. Shortly after our call, I emailed Ms. Sanchez and attached nine cases which supported the conclusion that there was no federal subject matter jurisdiction over cases such as



this case and that removal was therefore not objectively reasonable. A true and correct copy of my email to Ms. Sanchez is attached as Exhibit A to this Declaration.

5. On June 19, 2018 Ms. Sanchez responded via email stating that she believed removal was objectively reasonable. A true and correct copy of Ms. Sanchez' email to me is attached as Exhibit B to this Declaration. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 20, 2018


Christopher M. Moody

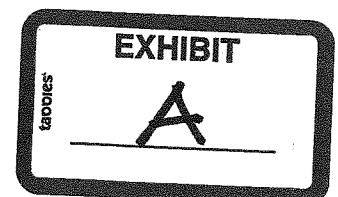
Chris Moody

From: Chris Moody
Sent: Friday, June 15, 2018 1:15 PM
To: 'Sara Sanchez'
Subject: Indahl v. Modrall
Attachments: Ambrose v. Grindell & Romero Ins._ Inc._ 2018 U.S. Dist.wpd; Ulibarri v. Pers. Sec. Consultants_ Inc._ 2016 U.S. Dis.doc; Lees v. RMCI.pdf; Files v. LANS.pdf; Coates v. JDB of New Mexico.pdf; Salazar v. City of Albuquerque.pdf; Martinez v. State of New Mexico.pdf; Noel v. J.P. Morgan Chase Bank N.A._ 918 F. Supp. 2d 123.pdf; Casey v. Midwest Title Serv._ 2006 U.S. Dist. LEXIS 727.doc

Sara:

As a follow up to our call this morning, I'm attaching a number of cases our quick research has turned up that appear to be directly on point. We haven't turned up any cases that would support your removal in this case. Our view is that with the state of the law as reflected in these cases, you did not have an objectively reasonable basis for removal. As I said on our call, to avoid the time and expense of briefing a motion to remand we are willing to stipulate that we are not pursuing federal law claims. Unless we hear from you, we will file a motion to remand sometime next week.

Chris



Chris Moody

From: Sara Sanchez <SSanchez@stelznerlaw.com>
Sent: Tuesday, June 19, 2018 12:51 PM
To: Chris Moody
Cc: Rebekah Gallegos
Subject: RE: Indahl v. Modrall

Hi Chris:

Thank you for your call last week and for forwarding these cases. We've reviewed them closely, and we've conducted extensive additional research of our own. Based upon all of our research, and our reading of Plaintiff's complaint, we continue to view this removal as appropriate and objectively reasonable.

Thank you,

Sara N. Sanchez
Stelzner, Winter, Warburton, Flores, Sanchez & Dawes, P.A.
302 8th Street NW, Suite 200
Albuquerque, New Mexico 87102
(505) 938-7770
(505) 938-7781 (facsimile)

Mailing Address:
Post Office Box 528
Albuquerque, New Mexico 87103

Email: ssanchez@stelznerlaw.com
Web: www.stelznerlaw.com

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From: Chris Moody [<mailto:moody@nmlaborlaw.com>]
Sent: Friday, June 15, 2018 1:15 PM
To: Sara Sanchez <SSanchez@stelznerlaw.com>
Subject: Indahl v. Modrall

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Chris